

The SUPREME COURT of CALIFORNIA



2003
Edition

Containing the
Internal Operating Practices and Procedures
of the
California Supreme Court



The Supreme Court of California

2003 Edition

Containing the Internal Operating Practices and
Procedures of the California Supreme Court



Acknowledgments

The Supreme Court of California is the new title for this booklet about the court's history and operations, which has been periodically revised and reissued since its initial publication in 1985. This 2003 edition resulted from the collaboration of a group reflecting the wide range of skills, knowledge, and expertise necessary to make the booklet interesting and relevant for all those who will use it to learn about the California Supreme Court.

Special thanks and credit are due to Jake Dear, who guided the entire revision project, inspired the section on history, and supplied invaluable archival detail. Edward W. Jessen and Edith V. Lavin provided research, organization, and drafting, and Thomas M. Reynolds made expert revisions. Mary Patton Nelson and Carolyn McGovern handled copy editing and production editing. Suzanne Bean devised and executed the design. Carmen Kissinger managed the administrative and business details of printing and production. Finally, the deft touch of Lynn Holton and the support of Fritz Ohlrich are deeply appreciated.

This booklet can be found in electronic format at www.courtinfo.ca.gov/courts/supreme.

Printed and bound in the United States of America.

Copyright © 2003 by the Supreme Court of California. All rights reserved.

No part of this pamphlet may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, recording, and any information storage and retrieval system, without permission in writing from the Supreme Court of California. For permission, contact:

Frederick K. Ohlrich
Clerk of the Court
Supreme Court of California
350 McAllister Street
San Francisco, California 94102-4797

Contents

Foreword	v
----------	---

PART 1 THE CALIFORNIA SUPREME COURT	1
--	----------

How a Case Reaches the Supreme Court	1
Justices	2
Quarters	3
The Court's Staffs	3

PART 2 PUBLIC ACCESS TO THE CALIFORNIA SUPREME COURT'S WORK	7
--	----------

Supreme Court Opinions	7
Calendars, Notices, and Minutes	7
Case Information System	8
Special Sessions	9

PART 3 HISTORY OF THE CALIFORNIA SUPREME COURT	11
---	-----------

1849 Constitution	11
The First Justices	12
The Court Grows	13
The Constitution Is Revised	13
A Home for the Court	14
Coping With an Increasing Caseload	15
Subsequent Constitutional Amendments	15
Unifying the Trial Courts	17

PART 4 HOW THE CALIFORNIA SUPREME COURT OPERATES

19

- Weekly Conference: The Decision Whether to Accept a Case 20
- After a Case Has Been Accepted: The Calendar Memorandum and Oral Argument 21
- After Oral Argument: Assignment, Preparation, and Circulation of Proposed Opinions 22
- The Final Step: Filing the Court's Decision 23

INTERNAL OPERATING PRACTICES AND PROCEDURES OF THE CALIFORNIA SUPREME COURT

25

- I. Acting Chief Justice 25
- II. Transfer of Cases 26
- III. Conferences 26
- IV. Conference Memoranda 27
- V. Calendar Sessions for Oral Argument 33
- VI. Calendars and Calendar Memoranda 33
- VII. Submission 37
- VIII. Assignments for Preparation of Opinions 37
- IX. Circulation of Opinions 39
- X. Filing of Opinions 40
- XI. Review of Determinations by the Commission on Judicial Performance 40
- XII. Absence of Justices 42
- XIII. Disqualification of Justices and Assignment of Retired Justices 42
- XIV. Applications for Recommendations for Executive Clemency, Habeas Corpus, and Stays 43
- XV. Appointment of Attorneys in Criminal Cases 47
- XVI. Communications From Counsel in Pending Cases 49
- XVII. Suspension of Procedures 49

Appendix I Chief Justices of California 51

Appendix II Justices of the California Supreme Court 53

Foreword

I am pleased to present *The Supreme Court of California, 2003 Edition—Containing the Internal Operating Practices and Procedures of the California Supreme Court*. Since the first printing of this booklet in 1985 as *Supreme Court of California Practices and Procedures*, more than 27,000 copies have been distributed to attorneys, students, members of the press, visitors to the court, and many other segments of the public. In recent years, the booklet has also been posted on the California Courts Web site at www.courtinfo.ca.gov/courts/supreme.

This publication provides an overview of the Supreme Court's work, procedures, and membership. It describes the court's beginnings and early development and explains the procedures governing the movement of cases through the court today. Also highlighted are recent changes in technology that have contributed to more efficient operation and enhanced public access to information about the court's proceedings.

I hope this booklet will help you learn more about the Supreme Court and the judicial branch of government. An informed citizenry is vital to the preservation of our system of government.



Ronald M. George

Chief Justice of California

COURT ROOM





The California Supreme Court

The California Supreme Court sits at the apex of the state's court system, the largest court system in the world. In deciding which cases merit its review, the Supreme Court focuses on significant legal issues of statewide importance. Of the more than 8 million lawsuits filed annually in the state, the Supreme Court issues opinions in only about 100. These opinions deal with some of the most important and difficult issues of the day. The Supreme Court's decisions provide guidance to the lower courts and ultimately affect the lives of all of California's 35 million residents.

HOW A CASE REACHES THE SUPREME COURT

A California lawsuit begins in the trial courts, known as superior courts, which sit in each of the 58 counties. These courts hear both criminal and civil matters, including probate and juvenile cases. California's 58 superior courts have facilities in more than 450 locations, with about 1,600 judges.

At the next level up, the Courts of Appeal review the decisions of trial courts when a party to a case seeks review. The Legislature has divided the state geographically into six appellate districts, each containing a Court of Appeal. There are 105 justices

apportioned among the six districts, which are headquartered in San Francisco, Los Angeles, Sacramento, San Diego, Fresno, and San Jose.

The California Supreme Court may review decisions of the Courts of Appeal to settle important questions of law and ensure that the law is applied uniformly in all six appellate districts. The Supreme Court has considerable discretion in deciding which decisions to review, but it must review all cases in which a trial court has imposed the death penalty. The Supreme Court also may review decisions of the Public Utilities Commission, the Commission on Judicial Performance, and the State Bar of California concerning the removal or suspension of judges and attorneys for misconduct.

All decisions of the Supreme Court are issued in writing and made public. The court's opinions are made accessible in various ways, including publication in the *Official California Reports*. The *Official Reports* are broadly available to legal professionals and the public. They are found in law libraries throughout the state.



The public counter at the clerk's office, on the first floor of the Earl Warren Building, San Francisco.

JUSTICES

The Supreme Court consists of a Chief Justice and six associate justices.

Members of the Supreme Court are appointed by the Governor after being reviewed by the State Bar's Commission on Judicial Nominees Evaluation. The Commission on Judicial Appointments then confirms the appointments. To be eligible for appointment, a person must have been a member of the State Bar of California or a judge of a court in this state for at least 10 years.

A Supreme Court justice serves a 12-year term. A new justice filling a predecessor's unexpired term must stand for confirmation at the next gubernatorial election after his or her appointment.

QUARTERS

The Supreme Court has been headquartered since 1923 in the historic Earl Warren Building in San Francisco's Civic Center. After sustaining severe damage in the 1989 Loma Prieta earthquake, the building underwent substantial rehabilitation and careful restoration. The repair project, completed in 1998, preserved the building's original Beaux Arts architecture and historic character while producing a new

facility that meets the needs of a modern court. Original works of art by contemporary California artists enhance the building's interior, and photographs depict the Supreme Court's former sites as well as historic local courthouses in all 58 counties.

The court regularly hears arguments in San Francisco, Los Angeles, and Sacramento. On special occasions, the court convenes for argument at other locations around the state.



An oil portrait of Earl Warren, Governor of California (1942–1954) and Chief Justice of the United States Supreme Court (1953–1969), by Irving Sinclair, 1954.

THE COURT'S STAFFS

Clerk

The clerk, appointed by the justices, is the Supreme Court's executive officer. The clerk oversees the administration and management of the court, including supervising and directing the clerk's office and the calendar coordination office; recruiting counsel in capital appeals and other cases; preparing the court's calendar; docketing the court's cases; maintaining the court's public records; and advising litigants, counsel, and the public of the status of matters before the court.

The clerk's office is headquartered in San Francisco, with branch offices in Los Angeles and Sacramento. The Supreme Court also accepts filings at the clerks' offices of the Fourth and Fifth Appellate Districts, in San Diego and Fresno.

Justices' Staffs

Each justice is supported by a judicial assistant and five staff attorneys. Some justices augment their staffs with law student externs. The Chief Justice has additional attorney staff positions to assist with administrative and related legal work.

Central Staffs

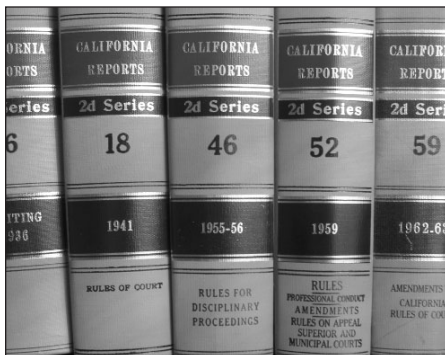
The court has three "central staffs." The criminal central staff is composed of a director and 19 attorneys who prepare conference memoranda in all criminal matters except capital appeals. The civil central staff is composed of a director and 15 attorneys who prepare conference memoranda in civil matters and State Bar proceedings. The capital central staff consists of a director and five attorneys who provide support and assistance to the court in matters pertaining to death penalty appeals and related habeas corpus proceedings.

All three central staffs are composed of career attorneys, and the criminal and civil staffs are assisted by law student externs.

Reporter of Decisions

The reporter of decisions, appointed by the court, supervises the editing and publication of Supreme Court and Court of Appeal opinions in the *Official California Reports* and *Official California Appellate Reports* volumes.

In addition to ensuring the editorial integrity, accuracy, and style of opinions printed in the *Official Reports*, the reporter is responsible for making all Supreme Court opinions available to the public on the California Courts Web site, at www.courtinfo.ca.gov. The reporter of decisions is assisted by a legal editorial assistant and a staff of five attorney-editors.



A sampling of *Official California Reports*, Second Series.

Law Library

The California Judicial Center Library serves the justices and staffs of both the California Supreme Court and the First Appellate District in San Francisco. The library is a repository for materials, including computer-based materials, that aid in the legal research of both courts. Its collections encompass more than 300,000 volumes, including extensive California and federal materials, law reviews, and legal periodicals. The library also maintains the archives of the California Supreme Court—a collection of writings, papers, and memorabilia of former justices.



Volumes in the library's rare book collection.

Calendar Coordination Office

The calendar coordination office, headed by the calendar coordinator, manages the flow of internal court documents and circulating draft opinions. This office advises the justices of actions taken or scheduled to be taken on matters before the court, assists in setting the schedule for hearing oral arguments, supervises the circulation of internal documents, and maintains lists and records for tracking the status of pending matters. The calendar coordinator is assisted by three deputy clerks and a clerical staff.

Court Security

The California Highway Patrol provides protective services for the court and its justices. These services include maintaining order and decorum in the courtroom during oral argument, staffing security posts at the court's quarters, ensuring the confidentiality of court work and papers, and working with other law enforcement agencies to provide security for justices traveling on court business.





Public Access to the California Supreme Court's Work

In recent years, the Supreme Court has made increased use of the Internet and other advances in technology to make information about the court and the cases it is considering broadly and promptly available to the public and the press.

SUPREME COURT OPINIONS

All Supreme Court opinions are made available to the public at the clerk's office and on the California Courts Web site at www.courtinfo.ca.gov, precisely at the time of filing.

CALENDARS, NOTICES, AND MINUTES

In addition to written opinions, other aspects of the Supreme Court's daily proceedings are documented on the court's Web page at www.courtinfo.ca.gov/courts/supreme, which is updated throughout the day and is available at no charge to users. The information available there includes the following:

- ✦ The oral argument calendar lists the dates, times, and places at which pending cases will be argued before the court, and summarizes the important issues involved in each case.
- ✦ Notices of forthcoming filings, posted the day before each opinion is filed, alert the public and press to upcoming decisions and identify the issues presented.



One of three arched entrances to the Earl Warren Building, San Francisco.

- ✦ A weekly summary lists the cases that the court has decided to review, with a description of the subject matter of each. The actions taken on all other matters submitted to the court are listed in tabular format.
- ✦ The minutes provide a day-by-day public record of all the court's orders and other proceedings.

CASE INFORMATION SYSTEM

Docket information on every case before the Supreme Court is available on the California Courts Web site at www.appellatecases.courtinfo.ca.gov, which is updated hourly. This searchable database provides case information such as procedural status, names of parties and attorneys, documents received, any disposition, and other docket information. Additionally, anyone may register online to receive automatic e-mail notifications of case activity.



The view from the bench during oral argument in the San Francisco courtroom, on the fourth floor of the Earl Warren Building, 2002.

SPECIAL SESSIONS

In recent years, to commemorate historic occasions and other events, the Supreme Court has convened for oral argument at special sessions in Fresno, Orange, Riverside, San Diego, and Ventura Counties and at the B. F. Hastings Building in Old Sacramento.



These special sessions provide opportunities for students and other interested members of the general public to observe argument before the court.

A high school student addressing the court at a special pre-argument educational session in Fresno, 2002.





History of the California Supreme Court

The history of the California Supreme Court reflects the history of California itself. After a long period of Spanish and Mexican rule, California was occupied by the United States in 1846 during the Mexican-American War. On February 2, 1848, Mexico officially ceded California to the United States in exchange for \$15 million. That same year, gold was discovered in California. The tumultuous events of the ensuing Gold Rush shaped many of the issues that would later be decided by the California Supreme Court.

1849 CONSTITUTION

In September 1849, 48 delegates assembled at Colton Hall in Monterey to draft the state's first Constitution, which was completed in six weeks. Article VI of the new Constitution, covering the judicial branch, provided for a Supreme Court consisting of a Chief Justice and two associate justices. The Constitution provided that the first three justices would be elected by the state Legislature and that subsequent justices would be elected by the voters for six-year terms in contested elections.

< Early sites of the California Supreme Court. Top to bottom: Kearny Street, San Francisco, 1852–1853, 1850–1851, 1853–1854; San Jose, 1854; Sacramento, 1855–1857.

THE FIRST JUSTICES

In December 1849 the new Legislature elected Serranus Clinton Hastings as California's first Chief Justice and H. A. Lyons and Nathaniel Bennett as its first associate justices. Hastings, a former Iowa representative to Congress, had resigned his position as chief justice of that state's supreme court to come to California. After serving on the California Supreme Court, he became state Attorney General and later founded Hastings College of the Law in San Francisco.

In February 1850 the California Legislature authorized the clerk of the California Supreme Court to "rent a suitable room" in San Francisco for the court's quarters. The chronicles of the day record that the new clerk duly arrived and purchased court supplies including "1 bottle black ink," "3 gross Gillett's pens," and "24 sticks red tape." On March 4, 1850, the court convened for the first time in the Graham House, a



Serranus Clinton Hastings, the first Chief Justice of California (1850–1852).

former hotel on the northeast corner of Kearny Street and Pacific Avenue. It was quartered there when California officially joined the Union in September 1850.

Much of the litigation during this early period dealt with the legal concerns of the people who flocked to the state during the Gold Rush. Many of their cases involved titles to property, mining and agricultural issues, and rights to water and minerals on public lands. Often those decisions were not published. In the early years of statehood, the opinions issued by the court filled less than one slim volume of the *Official Reports* annually.



K Street in Sacramento, 1862, rowing east.

THE COURT GROWS

The California judiciary was reorganized in 1862 to meet the needs of a growing state. Article VI of the California Constitution was amended to expand the categories of cases the court could hear and to increase the number of Supreme Court justices from three to five. Terms of office were increased from 6 to 10 years.

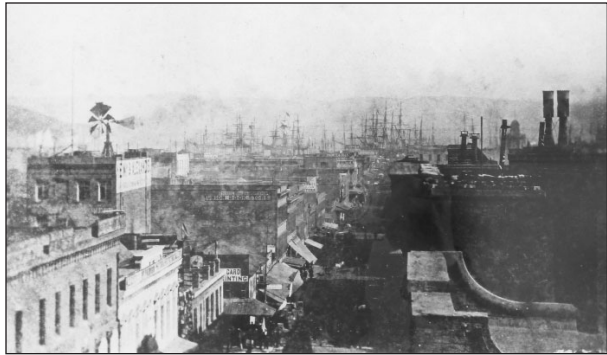
THE CONSTITUTION IS REVISED

In 1877 the people of California voted to hold a state convention to revise the Constitution. The call for a convention grew largely out of the economic upheavals and political controversies of the time. The Workingmen's Party, a local version of the widespread Granger movement of the 1870s, played a major role in the demand for constitutional change.

California's population growth—from 100,000 in 1849 to 800,000 in 1877—reflected the state's new economic circumstances. The gold mining concerns that dominated the first Constitution had given way to agricultural, commercial, and manufacturing interests.

The California Legislature responded to the voters' mandate by passing an enabling act that authorized the election of 152 delegates to meet in Sacramento in September 1878.

When the conven-



The court was located at 640 Clay Street (left side), San Francisco, from 1874 to 1881. In the background are the masts of ships anchored in the bay.

tion finally adjourned seven months later, in March 1879, major changes had been made to California's judicial system, which were formalized when the voters adopted a new Constitution in May of that year. The Supreme Court had been expanded again. It was now to consist of a Chief Justice and six associate justices, and terms of office were increased from 10 to 12 years. The categories of cases that the court was authorized to hear were once again augmented, and all opinions were required to be in writing.



The court was located at 305 Larkin Street, San Francisco, from 1890 to 1896.

A HOME FOR THE COURT

The question of where to hold Supreme Court sessions was a topic of lively debate in early California. The first court convened in San Francisco and remained there until 1854. Subsequently the Legislature mandated the court's relocation to the state capital, still to be selected. After a separate legislative struggle, Sacramento was finally chosen as the official seat of government, but because the court initially

held the Legislature's selection to be invalid, it spent most of 1854 in San Jose.

The court then moved to Sacramento, but it returned to San Francisco in the early 1870s. By 1874 this fluid arrangement was formalized. The Legislature directed the court to hear oral arguments two months each year in San Francisco and two months each year in Sacramento. In 1878 the Legislature directed the court to hear arguments twice yearly in each of those cities and twice in Los Angeles, as well.

During the 1879 Constitutional Convention, the Judiciary Committee considered the pros and cons of a "court on wheels" holding sessions in different locations. Some delegates opposed the expense and inconvenience of such an arrangement; others debated the relative merits of the water, weather, and whisky of the respective locations. The committee decided to leave the matter unspecified in the Constitution.



The Emporium Building, 825 Market Street, San Francisco. The court was located here from 1896 to 1906, when it was evicted by the earthquake.

COPING WITH AN INCREASING CASELOAD

By 1882 the Supreme Court had a backlog of pending cases, with an average wait of two years for a case to be decided. In 1885 the Legislature directed the court to appoint three commissioners to help dispose of the backlog. Two more were added in 1889, but that did not sufficiently alleviate the court's workload.

In 1904 three Courts of Appeal were created and the commissioners were eliminated. The new courts were to handle all appeals in the "ordinary current of cases," leaving appeals in the "great and important" cases to the Supreme Court.

The Supreme Court also was given the power to transfer a case from a Court of Appeal to itself, from itself to a Court of Appeal, and from one Court of Appeal to another. This provision gave the Supreme Court the power to rule on the most important legal questions and to resolve conflicts among the appellate districts.



The court was located in the Wells Fargo Building, 85 Second Street, San Francisco, from 1908 to 1923.

SUBSEQUENT CONSTITUTIONAL AMENDMENTS



The court originally moved to its present location at 350 McAllister Street in 1923 and remained until it was temporarily displaced by the earthquake in 1989.

A 1926 amendment to article VI of the Constitution established the Judicial Council of California, chaired by the Chief Justice. The council's mandate is to improve the administration of justice and to enact rules of court practice and procedure.

The following year, another constitutional amendment created the State Bar, a public corporation to which all attorneys practicing in California must belong. Each



Today's Supreme Court, the Judicial Council of California, and the Administrative Office of the Courts conduct business in the connected Hiram W. Johnson State Office Building (taller structure) and Earl Warren Building (foreground).

year, candidates for admission to practice law are examined by the State Bar, which then certifies to the Supreme Court the applicants who meet admission requirements.

In 1934 noncontested judicial elections were adopted for the appellate courts, including the Supreme Court. Under this system, the Governor, subject to confirmation by the Commission on Judicial Appointments, fills vacancies in the appellate courts by appointment. At the next general election, voters decide whether the appointees should be confirmed to fill their predecessors' unexpired terms and whether justices whose terms have expired should be elected to new full terms.

UNIFYING THE TRIAL COURTS

In 1998 the California voters amended the Constitution to allow each county's trial judges to unify their courts, if desired, into a single countywide superior court system. Until then, separate municipal courts in each county had handled the less serious matters, such as misdemeanors, infractions, and minor civil cases. All 58 counties have now consolidated their municipal courts with their respective superior courts. This restructuring has streamlined judicial branch operations statewide, resulting in improved services to the public.



The California Supreme Court justices in the Stanley Mosk Library and Courts Building, Sacramento, April 2002. Left to right: Associate Justice Janice R. Brown, Associate Justice Joyce L. Kennard, Associate Justice Kathryn M. Werdegarr, Chief Justice Ronald M. George, Associate Justice Ming W. Chin, Associate Justice Marvin R. Baxter, Associate Justice Carlos R. Moreno.



How the California Supreme Court Operates

The California Supreme Court is the court of last resort on questions of California law. Its function is to preside over the orderly and consistent development of the law, as applied by the state's trial courts and the appellate courts. Except in death penalty cases, the state Constitution affords no *right* to appeal to the Supreme Court: review by the Supreme Court is a matter of discretion. In exercising its discretion, the Supreme Court reviews cases that will enable it to settle important legal questions of statewide concern and ensure that the law is applied uniformly throughout the state.

An appeal normally comes before the Supreme Court in the form of a petition asking the court to review a lower court's decision. The court either accepts the case or declines review. On each matter accepted for review, the court considers the merits, hears oral argument, and renders its decision in a written opinion that explains and resolves the legal issues raised and guides the lower courts in applying the law.

WEEKLY CONFERENCE

The Decision Whether to Accept a Case

The decision whether to accept a case for review is made by the justices at their weekly conference. When a party's petition for review is first received, the court's calendar coordinator schedules it for conference and immediately gives the case to the appropriate central staff for preparation of a "conference memorandum" concerning the matter.

The staff's conference memorandum is designed to assist the justices in assessing whether a case is appropriate for review. It summarizes the facts, the procedural history, and any pertinent rulings made by lower courts. It outlines the parties' arguments, assesses the merits of the underlying issues, and makes a recommendation concerning whether the case is of sufficient importance to be reviewed by the Supreme Court.

The weekly conferences are confidential and attended only by the justices. At a typical conference, the justices consider approximately 250 matters. The concurrence of at least four justices is needed for a decision to review a case or to take other action.

Occasionally, a justice may request that a matter be "continued"—suspended for further consideration and taken up at a later conference—or may circulate a supplemental conference memorandum amplifying on or differing from the original conference memorandum's analysis or recommendations.



The justices at conference in the Chief Justice's chambers.

In cases in which it grants review, the court may specify which issues should be briefed and argued. The court also may direct the parties to address additional pertinent issues not covered in their petitions or briefs.

Many of the cases accepted by the court at its weekly conferences are argued orally before the



A Supreme Court staff attorney conducting research in the law library's atrium.

full court and decided by a full written opinion. There are exceptions, however. For example, a case appearing on conference may raise an issue that is already before the court in another case. In that event, the court may decide to “grant and hold” the new case until the “lead” case is decided. When the lead opinion is filed, cases that have been held for that opinion usually are transferred back to the Court of Appeal for reconsideration in light of the lead opinion.

If, in view of the lead case opinion, a held case appears to have been decided correctly by the Court of Appeal, review may

simply be dismissed, thus reviving the lower court's judgment and precluding further appeal. In other instances, the Supreme Court, without hearing argument, may simply transfer a case back to the Court of Appeal for further consideration in light of an opinion filed after the lower court's decision.

In recent years, more than 5,500 petitions for review and more than 3,000 other proceedings have been filed annually in the Supreme Court. Approximately 3 percent of the petitions for review have been granted.

AFTER A CASE HAS BEEN ACCEPTED

The Calendar Memorandum and Oral Argument

After a case has been accepted for review, the Chief Justice assigns it to one of the justices who voted to grant review. The justice assigned to the case prepares and circulates within the court a “calendar memorandum.” Each remaining justice then circulates within the court a “preliminary response” and indicates concurrence, dissent, or a request for changes in the memorandum. The authoring justice may make changes, and concurring and dissenting memoranda may be circulated.



Supreme Court staff members consulting in an interior hallway.

After allowing the justices sufficient time to consider the matter, the Chief Justice holds a preargument conference. If a majority of the justices agree that the matter is ready to be heard, it is scheduled for oral argument. If, however, a majority indicate they tentatively dissent from the calendar memorandum, and if the author is unwilling to change the memorandum to accommodate the majority, the Chief Justice resets the matter for further discussion or reassigns it to a dissenting justice.

Then, when a majority of the justices indicate they tentatively concur in the new or revised calendar memorandum, the Chief Justice sets the matter for oral argument.

The Supreme Court hears oral argument during one week of each month, September through June, in its courtrooms in San Francisco, Los Angeles, and Sacramento (and occasionally at additional locations). Throughout the year, the court remains open and engaged in its other work, which includes researching and drafting calendar memoranda and opinions and conducting weekly case conferences.

Oral argument presents the only opportunity for the justices to question the attorneys in person about issues raised in their briefs. Each side generally has 30 minutes to argue its case; in death penalty appeals that time may be extended to 45 minutes for each side.

AFTER ORAL ARGUMENT

Assignment, Preparation, and Circulation of Proposed Opinions

After oral argument, the case is discussed further at the court's private conference, and the justices take a tentative vote. If a majority of the justices still agree with the recommendations of the justice who prepared the calendar memorandum, then that justice drafts a proposed majority opinion. If the majority view is contrary to that of the calendar

memorandum, however, the Chief Justice assigns one of the majority justices to write the proposed opinion.

The justice assigned to write the opinion circulates a proposed majority opinion. Justices who deem it appropriate may write and circulate concurring or dissenting opinions, and the majority opinion may be amended, in turn, to respond to points raised in a concurrence or dissent. The court files its written opinion within 90 days after oral argument.

THE FINAL STEP

Filing the Court's Decision

For the convenience of the public, litigants, and press, Supreme Court decisions are normally filed at two set times each week—Mondays and Thursdays at 10:00 a.m. At that time, decisions are made available to the public in the clerk's office and on the California Courts Web site.



One of two public staircases in the Earl Warren Building.

A decision does not become final, however, until 30 days after filing. Up to 15 days after filing, the parties are allowed to petition for rehearing. The court may extend the 30-day finality period by up to 60 additional days to consider, on its own motion or a party's motion, whether to grant a rehearing or modify its decision.

After a decision is filed, the reporter of decisions reviews it and prepares it for official publication, first in softcover advance pamphlets and then in the bound volumes of the *Official California Reports*. The *Official Reports* are also published as computer databases, in two formats.

